



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,675	12/15/2001	Alexander Vasilevsky	BCS03852-01	9565

43471 7590 07/18/2007
GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED
HOME SOLUTIONS BUSINESS OF MOTOROLA, INC.
101 TOURNAMENT DRIVE
HORSHAM, PA 19044

EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

07/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/017,675	VASILEVSKY ET AL.
	Examiner	Art Unit
	Jamie Vent	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-12,14 and 15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892).	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>04/07</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-11, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable by Daniels (US 6,973,669) in view of Barton (US 6,233,389).

[claims 1 & 8]

In regard to Claims 1 and 8 Daniels discloses a method of digital video program reproduction within defined premises, said method comprising the steps of:

- a) receiving a plurality of electronic audio-visual programs;
- b) storing said programs in memory (Column 2 Lines 26-46);
- c) providing a plurality of program reproduction devices adapted to reproduce programs for viewers/users (Figure 4 and 5 show a plurality of reproduction devices);

d) networking said memory and said program reproduction devices (Figure 5 shows the networking of reproduction devices);
e) selecting a program (Column 5 Lines 28+ describes the selection of a program); however, fails to disclose distributing the ability to control reproduction of said selected program among two or more reproduction devices so that, at the selection of a viewer, said reproduction of said selected program is seamless between said reproduction devices such that the first reproduction device may live-pause the reproduction of the selected program and the second reproduction device may resume reproduction of the selected program.

Browne teaches the ability to have multiple reproduction devices as seen in Figure 2 and described in Column 4 Lines 15-33. Additionally, the system, allows for pausing and other commands for the video stream as discussed in Column 6 Lines 47+. The ability to contain multiple reproduction devices and commands such as pausing live tv allows for the user to have full control over the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital reproduction, as disclosed by Daniels, and further incorporate a system that has multiple reproduction devices and controls for the video data, as disclosed by Barton.

[claims 2 & 10]

In regard to Claims 2 and 10, Daniels discloses a method wherein said reproduction devices contemporaneously display said selected program on two or more of said reproduction devices (Figure 4 shows the choice of two or more reproduction devices).

[claims 3 & 11]

In regard to Claims 3 and 11, Daniels discloses a system wherein the system each said reproduction device is designated to have, as part of a hierarchy, a control ranking, and during control conflicts, the reproduction device attempting to control playback having the highest control ranking, controls the reproduction of said selected program (Column 5 Lines 28+ describes the control ranking of the reproduction devices).

[claims 6 & 14]

In regard to Claims 6 and 14, Daniels discloses a method wherein comprising the steps of:

- viewing a selected program via a first reproduction device (Column 6 Lines 28+ describes the selection of program)
- establishing a pause point (Column 6 Line 27 describes the time shifting event);
- pausing the playback of said selected program via said first reproduction device; and resuming the playback of said selected program via a second reproduction device from said pause point (Column 6 Lines 28+ describes the pausing of the playback of the selected program through the reproduction device).

[claims 7 & 15]

In regard to Claims 7 and 15, Daniels discloses a method wherein two or more reproduction devices are capable of reproducing a selected program independently (Column 5 Lines 5+ describes the reproducing of the selected program).

[claim 9]

In regard to Claim 9, Daniels discloses wherein said memory is subsumed by a

Art Unit: 2621

server (Figure 20 and 21 show the system as it provides various areas for storing information).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Daniels (US 6,973,669) in view of Barton (US 6,233,389) in further view of Block (US 4,675,757).

[claims 4 & 12]

In regard to Claims 4 and 12, Daniels in view of Barton, discloses a method in Claim 1, however, fails to disclose the steps of:

- designating one reproduction device as a master device;
- designating other reproduction devices as slave devices; and

 during control conflicts involving the master device and slave devices, allowing
 the master reproduction device to control playback of said selected program.

Block discloses a system wherein the reproduction devices are master and slave devices as seen in Figure 1 and described in Column 4 Lines 13+. Block teaches the master and slave devices allow a method of having various recording apparatus to control reproducing and playback of programs. Therefore, it would have been obvious to one of ordinary skill in the art to use the reproduction devices, as disclosed by

Daniels, and further incorporate a system that provides master and slave reproduction devices, as described by Block.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJV



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600